

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CHARLES SELBY,

Plaintiff,

v.

Case No. 2:09-cv-152
HON. R. ALLAN EDGAR

PATRICIA CARUSO, et al.,

Defendants.

_____ /

**ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on August 20, 2010, recommending summary judgment for the defendants. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff points out that there was no evidence presented of “the segregation policies of other facilities within the MDOC.” It was plaintiff’s burden to show that he was placed in segregation that caused hardship beyond what is typical in the prison. Plaintiff failed to show that his confinement in segregation was extraordinary. Contrary to plaintiff’s assertion, his placement in segregation is not indefinite. Plaintiff has received periodic reviews of his confinement status and has received due process. Further, plaintiff has not shown that his religious rights were substantially burdened by his placement in administrative segregation.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that defendants' motion for summary judgment (Docket #19) is GRANTED and plaintiff's complaint is DISMISSED.

Dated: 9/29/2010

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge